

I call on the Pentagon, out of a sense of morality, at least, to stop the hypocrisy of saying they worry about our people being injured by landmines, and then do nothing to stop their use around the world. And it is not only our troops who are threatened, it is hundreds of millions of people who are killed and maimed by these indiscriminate weapons every day. Over 26,000 people every year, and most are innocent civilians.

This, Mr. President, is a landmine. It is an antipersonnel landmine. It has been disarmed. If it were active, with just the slightest pressure it would take my arm and most of my face off.

There are millions of landmines in Bosnia, many of which are made of plastic and virtually impossible to detect, and others are designed to spring up and explode at waist level, sending out horrendous shrapnel that would disembowel or cut in half somebody within 50 or 100 feet.

When we vote on the Department of Defense authorization bill, we ought to send a very clear message to the Pentagon that it is not enough to say you want to protect our men and women when they go in harm's way on peacekeeping of rescue missions or anything else. It is time to say we will take steps here, to show leadership, to set an example, to stop this senseless use of landmines worldwide.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER GOVERNMENT SHUTDOWN

Mr. BYRD. Mr. President, this year the American people have been treated to what can only be referred to as political theater of the absurd. The Republicans took control of Congress in January touting their so-called Contract With America as the vehicle for change and as the vehicle for the end of business as usual. Well, they weren't kidding. This year has truly defied all legislative logic. In some respects 206 years of process have been literally thrown out of the window.

There have been lots of talk and press events and, of course, photo-ops galore. Creative gimmicks have been used to highlight the grandiose plans of this new crowd. We have seen ostriches and bloodhounds and even golf clubs used to represent various points of view. Through all these shenanigans, the Nation has waited with bated breath for some real results.

To put it bluntly, the grinch seems to have stolen Congress' sensibilities. Here it is December 15, and the Nation is still waiting. The Nation has already lived through one record-breaking Government shutdown, and now we are facing the very real possibility that Federal workers will be furloughed for Christmas and Government services will once again be curtailed.

Today's deadline for keeping the Government running is looming and still there are no assurances that an agreement can be reached. While we in Congress jockey from one position to another seeming to be concerned only with protecting our collective political hides, the American people are wondering if we ever stop to worry about them or about the fate of the Nation.

Under the Constitution, the only real responsibility we elected Members of Congress have to worry ourselves with is that of ensuring the passage of the 13 appropriations bills that fund the Federal Government. That is all we really have to do. This year while Members of Congress have spent months and months raising the public's expectations for an end to legislative gridlock and a new blueprint for governing, we seem to be more preoccupied with one petty political nuance after another. Instead of ensuring that the people's needs are met, we are arguing over the size of the negotiating table, how many people can attend, and which door of the airplane we can use.

All of this is an unnecessary and unwarranted diversion. This year, as always, there are differences in priorities between the Democrats and the Republicans and between the Congress and the White House.

What is disturbing about our current situation is that we seem to have forgotten the concept of legislative compromise. No legislative product ever embodies the wishes and desires of all involved. Unfortunately, the political give and take that make our system of government work are sorely lacking. There is no give and take. Instead, members seem more concerned with sowing the landscape with political seeds that can be cultivated and harvested during next year's election campaigns. As I have often said, there really are matters that are simply more important than political party—more important than either political party. Responding to our elected responsibility to the people is one of them. We cannot let the American people down again or we all surely risk the wrath of the voters. And I say this to those who are focused more on November 1996: You will surely reap what you have sown!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. WARNER. Mr. President, at the appropriate time, on behalf of the majority leader, I will move that the Chair lay before the Senate a conference report to accompany H.R. 1530, the Department of Defense authorization bill.

It is anticipated that there will be an objection. Since this is not a debatable motion, then at such time as the majority leader indicates—I believe it will be shortly after the motion to oppose moving forward—there will be a roll-call vote.

Mr. LEAHY. Mr. President, the distinguished senior Senator from Virginia and the distinguished senior Senator from South Carolina, both of whom are dear and respected friends of mine, and I have had some discussion on this. I anticipate asking for—and there may be others for that matter—a vote on the motion to proceed.

I tell the Senate and my distinguished colleagues that if I had intended to hold up the motion to proceed, of course, I would use the parliamentary tactic, instead, of asking for a vote on the motion to proceed requiring the reading of the bill which—it is about this big for anybody who cares. That is about 1½ feet high, and it would take a very considerable time to read. I am not going to request that, of course. I have never engaged, in my 21 years here in the Senate, in such tactics. I will, however, ask for the vote on the motion to proceed, and I assume the majority of Senators will vote to proceed.

I do this because of my concern about one provision, as I said earlier, on landmines. This is a provision that was neither in the House bill nor in the Senate bill. We passed by a two-thirds rollcall vote in the Senate a provision on landmines. The House had nothing.

When it became contentious, I said to the distinguished chairman of the committee, to the distinguished Senator from Virginia, and to the distinguished Senator from Georgia, Mr. NUNN, "Why don't we just remove the Senate provision?" In other words, recede to the House, which is no provision.

It is my understanding that was going to be done. It was my understanding in the conversations with the Senators involved that would be done.

I was then told by Senate staff—not by Senators, but by some Senate staff—that they could not allow their Senators to go along with such a commitment. I find that frustrating, of course, because Senators are the ones elected. And I have found that the Senators I have dealt with—especially those whom I have just talked with—have always been extremely truthful with me, as I have always tried to be with them. But my concern was—and

apparently sometimes we are considered merely constitutional impediments by our staff. In this case, the staff did not want us any longer to be impediments. In any event, this is a matter that could be solved, and could be solved easily before the conference report comes to a final passage.

I made suggestions to the distinguished Senator from Virginia, following a suggestion made by the distinguished Senator from South Carolina, of a way that we could solve this problem. That would require cooperation from the other body, and I hope that cooperation might be forthcoming.

I just thought this explanation, for Senators wondering what is going on, would be required.

LIHEAP

Mr. KENNEDY. Mr. President, one of the most serious effects of the current stopgap funding bill for the Federal Government is its treatment of the Low-Income Home Energy Assistance Program that helps needy families pay their winter fuel bills.

Under this program, the States receive the full amount of their LIHEAP benefits in October and November—the benefit levels that are set to deal with the emergencies.

It is bad enough that the current stopgap funding cuts these funds 25 percent below last year's levels. Even worse, it pays out those funds on bases that are prorated for a full year. So the States are receiving less than the usual share in October and November to plan for the winter.

This chart illustrates it. Last year, on December 15, 1994, some \$800 million out of approximately a little over \$1 billion had been distributed in LIHEAP. This year it is down to \$231 million.

The total amount in the LIHEAP has been reduced by 25 percent. But, nonetheless, this is what is currently distributed under the continuing resolution because of the way that continuing resolution is drafted.

All we have to do is see what have been the temperatures of the last few days. In Boston it was 18; Duluth, MN, it was 22 below; Milwaukee, 1 below; even down in New Orleans, 26; Des Moines, IA, 7; Burlington, VT, 13—an enormously cold snap.

I know my good friend and colleague, Senator WELLSTONE, has talked about that issue as has the Senator from Iowa.

LIHEAP PROVISIONS IN THE CONTINUING RESOLUTION

Mr. KENNEDY. Mr. President, one of the most serious defects of the current stopgap funding bill for the Federal Government is its treatment of LIHEAP, the Low-Income Home Energy Assistance Program that helps needy families pay their winter fuel bills.

Under that program, States receive most of their full-year LIHEAP alloca-

tion in the 2 months of October and November so that they can prepare for the winter, set benefit levels, and deal with emergencies.

It's bad enough that the current stopgap bill cuts these needed funds by 25 percent from last year's level. Even worse, it pays out those funds on a basis that is prorated on a full year, so that States are receiving far less than the usual share in October and November to plan for the winter.

By this time last year, Massachusetts had received \$32 million of its annual \$54 million allocation. This year, however, Massachusetts has only been allowed to draw down \$9.5 million.

In fact, all States had received \$800 million of last year's \$1.3 billion LIHEAP appropriation by December 15 of last year. Under the stopgap bill, however, that level has dropped to only \$230 million—a 71 percent cut—even though the bill is supposed to impose only a 25 percent cut at most.

States have found it extremely difficult to serve their needy citizens without access to these up-front funds. In fact, many States have had to establish triage policies to meet only the most dire emergencies.

Massachusetts energy agencies have said that they will respond only to cases where a utility terminates services, or where homes have less than one eighth of a tank of fuel oil. The State has cut annual LIHEAP benefits from \$430 to \$150 per household to ensure that they have enough funds for emergencies throughout the winter.

In Gloucester, the agencies have been faced with a choice of spending nonauthorized LIHEAP funds or letting some families freeze to death.

In Salem, the local government has dipped into its own scarce funds to provide needed assistance.

In Springfield, Patricia Nelligan, the fuel assistance director for the New England Farm Workers' Council, said that unless more LIHEAP funds are made available soon, their program will have to shut down by the end of next week.

It may not officially be winter yet, but winter has already arrived with a vengeance in many parts of the country. For the 6 million recipients of LIHEAP assistance across the Nation, it will be a desperate Christmas unless more aid is available.

Ninety five percent of the households receiving LIHEAP assistance have annual incomes below \$18,000. They spend an extremely burdensome 18 percent of their income on energy, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented the heat or eat effect, where higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

We had a very interesting hearing the other day about the impact of a series of cuts on children. The most mov-

ing part of the testimony was some of the schoolteachers who talked about the fact of the loss of weight that is taking place with small children 7, 8, 9, 10-years-old during the wintertime and particularly during the coldest months. It is really unthinkable that that would happen here in America, but yet it does. We have an opportunity to do something about that hopefully this afternoon.

The study also found almost twice as many low-weight and undernourished children were admitted to Boston City Hospital's emergency room immediately following the coldest month of the winter. No family should have to choose between heating and eating.

But it is the poor elderly that will be at the greatest risk if more LIHEAP funds are not made available, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, the elderly are much more likely to live in homes built before 1940 which are less energy efficient and put them at greater risk.

Low-income elderly who have trouble paying their fuel bills are often driven to rely on room heaters, fireplaces, ovens, and wood-burning stoves to save money. Between 1986 and 1990, such heating sources were the second leading cause of fire deaths among the elderly. In fact, elderly citizens were up to 12 times more likely to die in heating-related fires than adults under 65.

Over 50 Senators have signed a letter urging the budget negotiators to allow States to draw down LIHEAP funds at the up-front rate if a further stopgap funding bill is enacted. I urge the Senate to support this provision, so that families can receive the urgent assistance they need.

Christmas is approaching, and in many parts of the country, temperatures have dropped to levels close to those at the North Pole. But Santa Claus does not release LIHEAP funds to the States—Congress does, and we must act quickly to avoid tragedy.

Let me summarize, Mr. President. This is not a question of increasing the fiscal year 1996 appropriation for the LIHEAP Program, although I hope that the program will be fully funded in the next budget resolution.

What's at stake is the State's access to the LIHEAP funds that are already available so that the elderly, disabled, working poor, and their children can be served before the temperature drops even further.

That is not a heavy lift for Congress. Over half of the U.S. Senate signed a letter urging that States be allowed to draw down LIHEAP funds at the normal rate.

In October, 180 House Members signed a letter circulated by Representative JOE MOAKLEY which requested that LIHEAP be funded at the level proposed in the Senate version of the Labor-HHS appropriations bill—\$900 million.